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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/438,602	11/12/1999	JEFFREY M. ENRIGHT	D-1114	9588

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EXAMINER

WALSH, DANIEL I

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/438,602

Applicant(s)

ENRIGHT, JEFFREY M.

Examiner

Daniel I Walsh

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-8-03 (Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 and 16-22 is/are allowed.
- 6) ☒ Claim(s) 1,3-9,24-26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of the Amendment received on 8 October 2003. Claims 1, 3-9, 12-14, 16-22, 24-26, and 28 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-9, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swegen et al. (US 5,047,613) in view of Ramsey et al. (US 5,842,188) as cited in the prior Office Action.

Re claim 1, Swegen et al. teaches a self-service merchandise-dispensing machine (19) selectively operative to dispense merchandise. Swegen et al. teaches a user interface (see 10 of FIG. 1) associated with the dispensing machine, an article reading device (15) operative to read a machine readable article associated with a user and including a stored value memory and that the machine readable article corresponds to a source of monetary value, and wherein the interface includes at least one input device (11, 131, 132, 12) to receive at least one input from a user. Though Swegen et al. teaches the use of a identity card and code when the devices are interconnected, and teaches the use of a stored value card/smart card when the devices are not connected, or a connection has not been established, it is well known and obvious that smart

cards, stored value cards, prepaid cards, debit cards, etc. can be used to purchase goods and dispense banknotes. It would have been obvious to an artisan of ordinary skill in the art to use a smart card/stored value card not only in the embodiments of Swegen et al. that include the devices not interconnected, but also in the embodiments of Swegen et al. that include interconnected devices, since smart cards are more secure and hold more data than conventional cards, and therefore is an obvious expedient. Swegen et al. teaches a cash value dispensing mechanism (14) associated with the dispensing machine. Swegen et al. teaches the article reading device is operative responsive to the cash value dispense to include data representative of the amount in the stored value memory, as the stored value is updated as discussed above, and it is well known and conventional in the art for updating the stored memory in smart card after transactions. Further, IC cards are a well-known substitute for cash, credit cards, etc. (Davis et al. US 5,892,211).

Re claim 3, the cash value dispensing mechanism is operative during the cash value dispense to dispense at least one note (abstract).

Re claim 4, Swegen et al. teaches the use of a visual screen that displays the words “select CASH or Gasoline” (col 2, lines 44+). Though Swegen et al. is silent to the details of the display, it is well known and conventional in the art for the controller of dispensing machines to provide messages to the user concerning the input device, such as for fuel pumps, candy vending machines, beverage vending machines, etc.

Re claims 5-6, Swegen et al. is silent to a cash value (note) accepting device connected to the controller to apply charges to the cash value device; however, such devices are well known and conventional in the art.

Re claim 7, Swegen et al. teaches the use of stored value cards, as discussed above. Further, as mentioned above, stored value/smart cards and their readers are well known and conventional in the art as a more secure electronic equivalent of cash. (Additionally, see Kolls for a stored value card for use with a vending machine).

Re claim 8, Swegen et al. teaches the self-service merchandise dispensing machine dispenses motor fuel (FIG. 1).

Re claim 9, Swegen et al. teaches that the cash value dispensing mechanism include a cash supply component holding a supply of notes through cassettes 16-18. It would be obvious to make the supplies removably mounted on the machine for ease of use, refilling, servicing, etc. as is well known and conventional in the art (see Atalla US 4,577,779, for example).

Swegen et al. is silent to a controller connected to the dispensing machine, the user interface and the cash value dispensing mechanism where the controller is operative to cause a merchandise dispense from the merchandise dispensing machine having an associated charge and to cause a cash value dispense of an amount from the cash value dispensing mechanism, responsive to at least one input to the at least one input device, and wherein the controller is operative responsive to reading the machine readable article with the article reading device to cause generation of a charge record, wherein the charge record includes data representative of the source of monetary value, the charge, and the amount.

However, at the time the invention was made, it would have been obvious to use a controller that is interconnected between the machine, interface, and dispensing mechanism, in order to control the functioning of the devices. Controllers are inherent in such electronic devices such as ATMs and self-service fuel pumps for controlling the functioning of the devices

in response to customer/user input. Consequently, employing a well-known controller to control conventional devices would have been an obvious expedient.

Re claim 1, Ramsey et al. teaches an unattended automated system for dispensing fuel and that is capable of dispensing currency as a result of change or a cash advance on a user card (abstract). Re FIG. 4, Ramsey et al. teaches several controllers to control the functioning of the devices. Ramsey et al. teaches system controller 108 that coordinates the operation of the pump and console. It is understood that the controller causes a cash value dispense of an amount from the cash value dispensing mechanisms, responsive to at least one input to the at least one input device (FIG. 2), as is well known when performing a cash advance operation at a terminal.

Further it is obvious that the card reader 51 reads the card and creates a charge record including a source, charge, and amount, as a receipt is printed (FIG. 4), and including such information on a receipt or a stored record within the device, is well within the skill in the art. Though Ramsey et al. is silent to reading a card with a stored value memory to dispense cash value, and including data representing the amount in the stored value memory, Swegen et al. above has taught the use of a stored value card in a dispensing system. Accordingly, it would have been obvious to an artisan of ordinary skill in the art to use a controller, that controls output of merchandise and money, with the system of Swegen et al., since controllers are well known and conventional means of controlling electronic devices. Though Swegen et al. is silent to control means, control means to control the functioning of the system of Swegen et al. are inherent to the system. Accordingly, the teachings of Ramsey are relied upon for obviating the use of a controlling means for controlling a dispensing system.

Re claim 4, Ramsey et al. teaches a user interface includes an output device and that he controller causes the output device to prompt messages to the user concerning operation of the input device (col 6, lines 27+). Such prompting messages at user-operated terminals are well known and conventional in the art.

Re claim 5, Ramsey et al. teaches a cash value accepting device associated with the merchandise dispensing machine to accept at least one cash value from a user, wherein the cash value accepting device is operatively connected to the controller and wherein the controller is operative to apply the charge associated with the dispensed merchandise to the cash value item through cash acceptor 43 (FIG. 4), where it is obvious that the controller applies the charges associated with the cash to the dispensed merchandise charge, as change can be generated if necessary.

Re claim 6, as discussed above, re claim 5, a note acceptor accepts a note.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Swegen et al. with those of Ramsey et al.

One would have been motivated to do this to have a self service system capable of dispensing merchandise and cash value, in a reliable and secure manner, controlled by a controller, as is well known and conventional in the art, one that displays useful information regarding the functioning of the device to the user, and to have a system that accepts notes, providing an alternative and widely accepted means to pay for merchandise, aside from electronic cards, for example.

3. Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swegen et al./Ramsey et al., further in view of Atalla (US 4,577,779).

The teachings of Swegen et al./Ramsey et al. have been discussed above.

Though Swegen et al./Ramsey et al. teach dispensing currency, they fail to teach that a roll of notes includes a movable web, wherein the notes in the roll are held in supporting connection with the web, wherein the cash value dispensing mechanism is operative to deliver a note to a user in attached relation with the web (dispensing at least one note).

Atalla teaches the use of a roll with a movable web where the notes are held in connection with the web to be dispensed to the user (FIG. 1/FIG. 2).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Swegen et al./Ramsey et al. with those of Atalla.

One would have been motivated to do this in order to have a reliable means to dispense currency to the user.

4. Claims 26, 25, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swegen et al. in view of Ramsey et al.

The teachings of Swegen et al./Ramsey et al. have been discussed above, re claims 1 and claim 9, and it is understood that the card 15 corresponds to a source of monetary value, as a typical cash card does, that the card reader reads the card, that fuel is dispensed having an associated charge (as is conventional in the art). Further, when a user inputs to the input device, cash value is dispensed (in the case of a cash advance), and it is conventional that the card be charged the amount of the merchandise (fuel) dispense, and the cash advance, as is understood in the art.

Though Swegen et al./Ramsey et al. is silent to removing the cash supply component from the merchandise dispensing machine, Swegen et al. teaches various embodiments,

including the merchandise dispensing machine and cash value dispensing machines being in connected relation (FIG. 5). Accordingly, it would have been obvious at the time the invention was made, to have the merchandise and cash value dispensers integrated into one machine housing, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 15 U.S. 14 (1893). One would have been motivated to house both dispensers together (i.e. together as one machine) to provide a smaller footprint and making the use of the machine easier by consolidating its part. The Examiner also notes that ATM machines include a merchandise dispensing machine functionality as they permit dispensing of cash value and merchandise (i.e. stamps). Re claim 24-25, it has been discussed above that fuel is dispensed and a credit card or cash card or stored value card is used and charged for the dispensing.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Swegen et al. with those of Ramsey et al.

One would have been motivated to do this to ensure reliable controlling of the dispensing functions by using well-known and conventional controllers.

Allowable Subject Matter

5. Claims 12-14 and 16-22 are allowed.
6. The following is an examiner's statement of reasons for allowance: Re claims 12-14 and 19-22 the prior art fails to teach at least that the cash value dispensing mechanism is operative to deliver a note to a user in ***attached*** (emphasis added) relation with the web. Though references were found by the Examiner that taught this, they did not constitute prior art due to their date.

Re claims 16-18, the prior art of record fails to teach at least that the cash value dispensing mechanism is operative to deliver notes in *attached* (emphasis added) relation with the connectors.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blok et al. (US 6,210,768), Davis et al. (US 5,892,211), and Bohnert et al. (US 5,797,470).

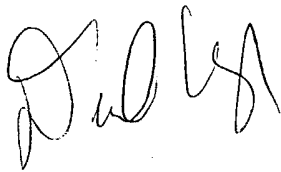
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Walsh whose telephone number is (703) 305-1001 or (571) 272-2409 (as of January 15, 2003). The examiner can normally be reached between the hours of 7:30am to 4:00pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503 or (571) 272-2398 (as of January 15, 2003). The fax phone numbers for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.

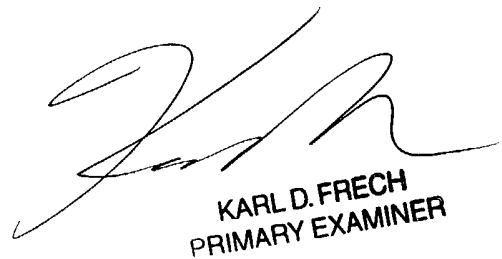
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[daniel.walsh@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



DW
12/23/03



KARL D. FRECH
PRIMARY EXAMINER